

Dated: 12/20/2018



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

SHELIA BUTLER,  
  
Debtor.

CASE NO: 3:17-bk-04686  
CHAPTER 13  
JUDGE MARIAN F. HARRISON

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ORDER GRANTING EXPEDITED MOTION TO UTILIZE INSURANCE PROCEEDS  
TO PURCHASE SUBSTITUTE COLLATERAL  
&  
TO REQUIRE LIENHOLDER TO RELEASE LIEN ON TITLE OF  
DESTROYED VEHICLE TO ALLOW DISPOSITION OF SALVAGE

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This case came before the Court on December 19, 2018 upon the Debtor's Expedited Motion to Utilize Insurance Proceeds to Purchase Substitute Collateral and to Require Lienholder to Release Lien on Title of Destroyed Vehicle to Allow Disposition of Salvage. It appears to the Court that no objections, responses, or otherwise were filed or raised at the hearing. It is therefore:

**ORDERED**, to use the insurance proceeds in the amount of \$13,146.04 to purchase a replacement vehicle of substantially similar value, subject to approval of Insolve Auto Funding, LLC. It is further

**ORDERED**, that approval of the replacement vehicle must be sent to Insolve Auto Funding, LLC, by way of a buyer's order. Insolve Auto Funding, LLC, shall have 72 hours to inspect and/or investigate if the replacement vehicle is substantially similar and to accept or reject the vehicle as a replacement. If Insolve Auto Funding, LLC, fails to reject the vehicle within 72 hours upon the receipt of a buyer's order, then it is automatically deemed as accepted. It is further

**ORDERED**, that once the approved buyer's order is provided to Progressive Group of

Insurance Companies, insurance company shall make a check payable to the dealership from which the Debtor is purchasing the replacement vehicle in an amount equal to the insurance coverage or the total purchase price indicated on the buyer's order, whichever is less, within 72 hours. It is further

**ORDERED**, that should Insolve Auto Funding, LLC, fail to approve a second submitted buyer's order, Insolve Auto Funding, LLC, shall be given 72 hours in which to locate an available vehicle meeting their requirement available for purchase within 100 miles of the Debtor's residence at the amount of the insurance proceeds or less. If Insolve Auto Funding, LLC, fails to provide this information, then the last submitted buyer's order shall be deemed accepted. It is further

**ORDERED**, that should the replacement vehicle's purchase price exceed the estimated insurance proceeds, then the Debtor shall be responsible for paying the difference at the time of purchase. It is further

**ORDERED**, that should the replacement vehicle's purchase price be less than the insurance proceeds, then Progressive Group of Insurance Companies shall make a check payable to the dealership for the amount necessary to purchase the vehicle and the excess funds shall be made payable to Insolve Auto Funding, LLC. Should Insolve Auto Funding, LLC, receive any excess funds, they shall amend their proof of claim with the Court within 30 days. It is further

**ORDERED**, that Insolve Auto Funding, LLC, shall release its lien on the Certificate of Title to the automobile and provide the Title to the insurance company. As consideration for the release of its security interest in the automobile, the replacement vehicle shall be substituted as collateral and Insolve Auto Funding, LLC, shall be granted a lien on said replacement vehicle.

**IT IS SO ORDERED.**

**This Order Was Signed and Entered Electronically as Indicated at the Top of the First Page.**

**Approved for Entry:**

**/s/ L.G. Burnett, Jr.**

**L.G. Burnett, Jr., TN BPR #6463**

***Attorney for Debtor***

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This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.  
United States Bankruptcy Court.